

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA,  
NORTHERN DIVISION**

**HAZEL M. ROBY, as Administratrix of  
the Estate of RONALD TYRONE  
ROBY, Deceased,**

**Plaintiff,**

**V.**

**BENTON EXPRESS, INC., et al,**

**Defendants.**

**CIVIL ACTION NO.: 2:05CV494-T**

## DEFENDANT'S MOTION FOR SUMMARY JUDGMENT

COMES NOW the Defendant, Benton Express, Inc., and, pursuant to Federal Rules of Civil Procedure 54(b) and 56, moves this Court for an order granting summary judgment in its favor on the Plaintiff's claims on the grounds that there is no genuine issue as to any material fact and that Defendant is entitled to a judgment as a matter of law. This motion is based upon the pleadings and the Brief in Support of Motion for Summary Judgment and all exhibits thereto.

Respectfully submitted,

s/ Gregory A. Brockwell  
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**CERTIFICATE OF SERVICE**

I hereby certify that I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following on this the 23rd day of November, 2005:

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